



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

[REDACTED]

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 8, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Marathon County Department of Social Services in regard to Medical Assistance (MA)/MAPP, a hearing was held on November 17, 2015, at Wausau, Wisconsin.

The issue for determination is whether the Department correctly discontinued the petitioner's MAPP benefits effective October 1, 2015.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED] ES Lead Worker  
Marathon County Department of Social Services  
400 E. Thomas Street  
Wausau, WI 54403

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is an adult resident of Marathon County.
2. Prior to October, the petitioner had an open MAPP case. MAPP is a variant of MA for disabled persons who are working. The case underwent a periodic review in the summer of 2015, at which time the agency learned that the petitioner was no longer employed. He is also not participating in a Health and Employment Counseling (HEC) program.

3. The petitioner's gross monthly income is \$906 from Social Security. He receives Medicare, so he is not eligible for BadgerCare Plus, which is an income-tested MA variant.
4. On August 24, 2015, the Department issued written notice to the petitioner advising that his MAPP benefit would be discontinued effective October 1, 2015. *See*, Exhibit 5, Notice. The petitioner appealed.

### **DISCUSSION**

The Medicaid Purchase Plan (MAPP) is a subprogram of the Wisconsin Medicaid Program. It allows disabled adults who are working or want to work to become or remain Medicaid eligible, even if employed, because there are higher income limits. *MA Eligibility Handbook (MEH)*, §26.1, online at <http://www.emhandbooks.wisconsin.gov/meh-ebd/meh.htm>.

To qualify for MAPP, the recipient must be determined to be disabled by the Social Security Administration and be (1) working for pay or (2) participating in a Health and Employment Counseling (HEC) program. The petitioner is doing neither, so his MAPP termination was correct.

At hearing, the petitioner argued that he should get another six months of MAPP coverage pursuant to the MAPP policy provision on a work requirement exemption:

#### **26.3.4 Work Requirement Exemption**

If there is a serious illness or hospitalization that causes the member to be unable to work, the work requirement can be suspended for up to six months. He or she can continue to be MAPP eligible. The member must contact the **IM** agency to request the exemption.

Have the member complete the Medicaid Purchase Plan (MAPP) Work Requirement Exemption (**F-10127**). This provision is not available unless he or she:

1. Has been enrolled in MAPP for six months and has paid any applicable premiums prior to the request of an exemption.
2. Is expected to return to work in the next six months.
3. Provides an expected date of recovery.
4. Provides the reason that an exemption is needed (i.e., illness or hospitalization).
5. Has had no more than two exemptions (maximum of six months each) to the work requirement in a three-year time period. The two exemptions cannot be consecutive.

*Id.*, § 26.3.4. There is no indication in this record that the petitioner filed an exemption request form. More importantly, the medical documentation submitted does not show that the petitioner can be expected to return to work within six months, or that he has sustained a new injury with an expected date of recovery. Thus, the petitioner's exemption argument fails.

Finally, the petitioner included information regarding his utility expenses. Those expenses are not relevant to the determination of his MAPP eligibility. There is a box regarding utility information on the petitioner's eligibility notices because the notices also refer to the FoodShare program, for which utility information *is* relevant.

### **CONCLUSIONS OF LAW**

1. The Department correctly discontinued the petitioner's MAPP eligibility for a nonfinancial eligibility reason.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

**REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 29th day of December, 2015

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\sNancy J. Gagnon  
Administrative Law Judge  
Division of Hearings and Appeals



## State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on December 29, 2015.

Marathon County Department of Social Services  
Division of Health Care Access and Accountability